

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BALTIMORE DIVISION

JASON ALFORD, DANIEL LOPER, WILLIS
McGAHEE, MICHAEL McKENZIE, JAMIZE
OLAWALE, ALEX PARSONS, ERIC SMITH,
CHARLES SIMS, JOEY THOMAS, and LANCE
ZENO, Individually and on Behalf
of All Others Similarly Situated,

Plaintiffs,

vs.

THE NFL PLAYER DISABILITY & SURVIVOR
BENEFIT PLAN; THE NFL PLAYER DISABILITY
& NEUROCOGNITIVE BENEFIT PLAN; THE BERT
BELL/PETE ROZELLE NFL PLAYER
RETIREMENT PLAN; THE DISABILITY BOARD
OF THE NFL PLAYER DISABILITY &
NEUROCOGNITIVE BENEFIT PLAN; LARRY
FERAZANI; JACOB FRANK; BELINDA LERNER;
SAM McCULLUM; ROBERT SMITH; HOBY
BRENNER; and ROGER GOODELL,

Defendants.

Case No. 1:23-cv-00358-JRR

PLAINTIFFS' MOTION TO EXCLUDE

Pursuant to Rule 702 of the Federal Rules of Evidence, Plaintiffs respectfully move the Court to exclude the Declaration of David B. Lasater in Support of Defendants' Opposition to Plaintiffs' Motion for Class Certification (ECF No. 111-2) ("Lasater Declaration").

The reasons supporting this motion are set forth in (1) the Memorandum of Law in Support of Plaintiffs' Motion to Exclude and Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Class Certification; and (2) Exhibit J to the Reply Declaration of Benjamin R. Barnett in Further Support of Plaintiffs' Motion for Class Certification and in Support of Plaintiffs' Motion to Exclude, both of which have been filed this date. *See* ECF Nos. 172, 172-1, 172-7, 173. A

proposed Order also accompanies this motion.

WHEREFORE, Plaintiffs respectfully request that the Court exclude the Lasater Declaration from consideration in its adjudication of Plaintiffs' motion for class certification (ECF No 102).

Dated: April 11, 2025

Respectfully submitted,

SEEGER WEISS LLP

By: s/ Benjamin R. Barnett
Benjamin R. Barnett
SEEGER WEISS LLP
325 Chestnut Street, Suite 917
Philadelphia, PA 19106
Telephone: (215) 553-7980
bbarnett@seegerweiss.com

*Counsel for Plaintiffs and for the
Proposed Class and Subclasses*

Christopher A. Seeger (*admitted pro hac vice*)

Diogenes P. Kekatos (*admitted pro hac vice*)

Caleb A. Seeley (*admitted pro hac vice*)

Hillary R. Fidler (*admitted pro hac vice*)

SEEGER WEISS LLP

55 Challenger Road, 6th Floor

Ridgefield Park, NJ 07660

Telephone: (973) 639-9100

cseeger@seegerweiss.com

dkekatos@seegerweiss.com

cseeley@seegerweiss.com

hfidler@seegerweiss.com

Samuel L. Katz (*admitted pro hac vice*)

Julia M. Damron (*admitted pro hac vice*)

ATHLAW LLP

8383 Wilshire Blvd., Suite 800

Beverly Hills, CA 90211

Telephone: (818) 454-3652

samkatz@athlawllp.com

julia@athlawllp.com

Bryan F. Aylstock (*admitted pro hac vice*)

Justin G. Witkin (*admitted pro hac vice*)

Douglass A. Kreis (*admitted pro hac vice*)

D. Nicole Guntner (*admitted pro hac vice*)

Bobby J. Bradford (*admitted pro hac vice*)

AYLSTOCK, WITKIN, KREIS, & OVERHOLTZ, PLLC

17 E. Main Street, Suite 200

Pensacola, FL 32502

Telephone: (850) 202-1010

BAylstock@awkolaw.com

JWitkin@awkolaw.com

DKreis@awkolaw.com

NGuntner@awkolaw.com

BBradford@awkolaw.com

***Counsel for Plaintiffs and for the
Proposed Class and Subclasses***

Jason S. Rathod

Nicholas A. Migliaccio

MIGLIACCIO & RATHOD LLP

412 H Street, N.E.

Washington, DC 20002

Telephone: (202) 470-3520

jrathod@classlawdc.com

nmigliaccio@classlawdc.com

***Counsel for Plaintiffs and Liaison Counsel
for the Proposed Class and Subclasses***

Robert K. Scott (*admitted pro hac vice*)

Gerry H. Goldsholle (*admitted pro hac vice*)

ADVOCATE LAW GROUP P.C.

2330 Marinship Way, Suite 260

Sausalito, CA 94965

Telephone: (949) 753-4950

bob@advocatelawgroup.com

gerry@advocatelawgroup.com

Additional Counsel for Plaintiffs